

R E M A R K S

Applicants' attorney wishes to thank Examiner Jean Witz for the courtesies of telephone interviews on October 8 and October 17, 1996. Applicants's attorney's understanding of these interviews is summarized below.

I.

The rejection in the Office Letter on § 112 is withdrawn. This is confirmed in the August 26, 1996 Advisory Action, ¶ 3.b.

II.

The Office would like to have an affidavit confirming that adipose tissues is removed at selected locations. As discussed at the interview, tests have been performed on fat rats. These rats have large fat pads, where the limbs join the body. Injection of collagenase into some but not all of these pads shows reduction of adipose tissue at those selected locations, i.e. the locations where the collagenase was injected. As pointed out at the interview, there have been no authorized human tests; but, in the scientific community it is accepted that tests on rats are probative of comparable results in humans. The tests results are reported in the specification in Example A-I and the Toxicity Study, pages 7-24 inclusive. At the Office's

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request, there is attached hereto a Declaration of Mr.  
Angelo J. Chiuli, Director of Research at the assignee.

III.

The claims were discussed at the interview.  
Applicants' attorney understands that the claims will be more favorably viewed by the Office if two additions were made.

First, the method should have added "cosmetic" or "cosmetic purposes". Cosmetic means both beauty as well a medically indicated reduction of adipose tissues at locations in the body.

Second, the claims should be amended to explain that fat released from treated adipose tissues is metabolized by the body. This is true. Support is in the specification at page 3, line 18. This feature has been added to the independent claims.

Thus, claims 1 and 16 have been amended in accordance with applicants' attorney's understanding of the interview.

IV.

The claims stand rejected on § 103 in view of Lee. Lee was discussed in some detail. Lee shows nothing more than acknowledged prior art, e.g. use of collagenase, etc. for treatment of several maladies:-- herniated discs, certain

eye diseases, Peyronie's disease, keloids, etc.

Importantly, there is no teaching, no suggestion of removing fat from selected locations in the body. As discussed at the interview, applicants' invention may be considered as an alternative to liposuction and surgical removal of fat from selected locations in the body. Collagenase in purified form has been available for at least 30 years, and subsequently has been injected for treatment of various human maladies, which are listed in the prior art.

Importantly, until applicants' invention collagenase has not been used for the reduction of fat at selected locations in the body, i.e. "chemical liposuction". It is estimated, according to the American Society of Plastic and Reconstructive Surgery, that there were between 50,000 and 100,000 liposuctions performed in 1995. 50,000 annually are reported through the Society, and it is estimated that there are an equal number performed by non-members of the Society.

A study done several years ago in the Clinics in Plastic Surgery, Vol. 16, No. 2, pp. 385-394, April 1989, Bohman Teimourian MD, "Complications Associated with Suction Lipectomy" reported 11 deaths and 9 cases of serious morbidity per 100,000 suction lipectomies, pages 386-387.

If we take the figure of 100,000 liposuctions per year with

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20 per 100,000 mortality/morbidity, that is 20 patients dead or moribund each year. This does not count other serious complications. Eric Dilleurd, MD "Suction Lipoplasty: A Report on Complications, Undesired Results and Patient Satisfaction Based on 3,511 Procedures", Plastic and Reconstructive Surgery, Vol. 88, No. 2, pp. 239-246, August, 1991, at page 242 reports 3 serious complications in the population of 3,511 or approximately 85 serious complications per 100,000. Prior to suction lipectomies there were other surgical procedures which are believed to be more risky than the lipectomies. If it was so obvious as asserted in the Office Letter to use collagenase, which has been available in purified form for over 30 years, for the reduction of fat at selected locations in the human body, then why was it not earlier appreciated. The number of procedures performed annually and the serious complication and mortality/morbidity statistics eloquently point to the need for an alternative procedure to liposuction and the unobviousness of applicants' invention.

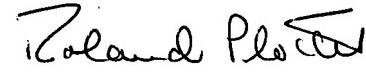
Because this is an amendment after Final, and we are in the very late stages of prosecution, the Examiner is respectfully requested to telephone applicants' attorney at

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the number listed at the foot hereof, if there are any remaining issues regarding allowance, they can be promptly focussed on, and the case passed to issue.

A Notice of Allowance of the claims is solicited.

Respectfully submitted,



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